

ANCILLARY DWELLING

LOCAL PLANNING POLICY



1. PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

2. SCOPE

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

3. OBJECTIVE

- 3.1 To provide a clear definition of what constitutes 'Ancillary Dwelling'.
- 3.2 Ensure that an ancillary dwelling is provided, constructed and located in such a way so as to minimise their impact on the amenity of the locality by controlling building size, materials and location.
- 3.3 To ensure that ancillary dwelling is 'ancillary' or 'secondary' to the main house on the property.

4. POLICY STATEMENT

4.1 Definitions and Permissibility

- a. 'Ancillary Dwelling' is defined in the Residential Design Codes as:

"Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house."

- b. Ancillary Dwelling, or more commonly referred to as a 'granny flat', is a 'D' use (means that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval) on 'Residential', 'Rural Townsite', 'Urban Development', 'Rural-Residential', 'Rural Smallholding' and 'Rural' zoned land.

4.2 General Requirements

- a. A maximum of one (1) Ancillary Dwelling is permissible on any one lot.
- b. Ancillary Dwellings can either be attached or detached from the main dwelling, however, when detached the Ancillary Dwelling unit must be sited within 22m from the main dwelling on lots less than 4ha and 50m for those lots greater than 4ha in area.
- c. In consideration of an application for 'Ancillary Dwelling' the following standards shall apply:

Zone	Maximum Habitable Floor Area	Maximum total roof area
Residential R10 and higher	60m ²	120m ²
Residential R5 and lower	60m ²	120m ²
Rural-Residential	60m ²	200m ²
Rural Smallholdings	100m ²	300m ²
Rural (smaller than 20ha)	100m ²	300m ²
Rural (larger than 20ha)	No limit	No limit

For the purpose of this Policy 'Habitable Floor Area' does not include areas such as hall and /entry ways, bathrooms, laundry, water closets, robes and linen/storage cupboards within the building.

- d. Ancillary Dwelling is required to be sited behind the 'front building line' of an existing dwelling on lots less than 4ha in area in all zones.

For the purpose of this statement the 'front building line' is to be measured from the closest point of the house to the front boundary drawn parallel to the boundary.

- e. Ancillary Dwelling shall be constructed of colours and/or materials that are matching and/or complementary to existing development upon the property.

4.3 Ancillary Accommodation constructed within Class 10 structure

Should Ancillary Accommodation be proposed to be constructed within a Class 10 Outbuilding (i.e. a box or rectangular shaped structure constructed of coated or uncoated metal sheeting which does not include additional features such as eaves, verandahs, windows and other 'house' like features) the Ancillary Accommodation will be considered to be included within the total outbuilding area of a property. However, should the Ancillary Accommodation structure be purposely constructed as a Class 1A building and incorporate design features such as eaves, verandahs, windows and other 'house' like features the building would not be considered within the aggregate outbuilding area permitted upon a property.

4.4 Delegation

Should the application be considered to meet the requirements of this Policy the application may be dealt with under delegated authority by Shire staff. However should the application not be considered to meet the requirements of the Policy or in the opinion of Shire staff require further consideration, the matter may be advertised in accordance with the Local Planning Scheme before being placed before a meeting of Council for determination.

5. REFERENCES AND ADOPTION

Shire of Chapman Valley Local Planning Scheme No.3

Planning & Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

State Planning Policy 7.3 - Residential Design Codes

Adopted at the 19 February 2014 Ordinary Meeting of Council